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Paper No. 12

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DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600

PERMAN & GREEN  
425 POST ROAD  
FAIRFIELD CT 06824

In re Application of

Lundell et al.

Application No. 09/419,171

Filed: October 15, 1999

For: METHOD OF CELL RE-SELECTION, AND  
NETWORK PART, AND SUBSCRIBER  
TERMINAL

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: DECISION ON PETITION  
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This is a decision on the paperwork filed September 4, 2003, which is being treated as a petition under 37 C.F.R. § 1.181(a) to withdraw holding of abandonment.

The application was held abandoned for failure to respond in a timely manner to the Final Rejection mailed December 3, 2002. Applicant filed an Amendment After-Final on March 3, 2003, in response to the final rejection mailed December 3, 2002. An Advisory Action was mailed in response to the Amendment After-Final informing the applicant of non-entry of the After-Final Amendment on April 2, 2003. The application became abandoned when no further response was received. No Notice of Abandonment was mailed.

Petitioner alleges to have timely submitted a response to the Office Action. In support, the Petitioner has included a copy of the return postcard stamped May 30, 2003, itemizing a Request for Continued Examination (RCE), and a request for one (1) month extension of time with a fee of \$110. A review of the Revenue, Accounting and Management (RAM) records show that a fee of \$110 was applied toward one (1) month extension of time along with \$750 for Request for Continued Examination (RCE) on May 30, 2003. The petition includes a copy of these papers.

The original papers filed were not matched with the file and cannot be located. However, M.P.E.P. 503 states, "[a] postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the papers were timely filed in the Patent and Trademark Office but not matched with the application file. In view of the above, the holding of abandonment is withdrawn.

The petition is **GRANTED**.

The application will be forwarded to Technology Center's technical support staff for processing of the Request for Continued Examination (RCE), and entry of the response. From there, the file will be forwarded to the examiner for examination in due course



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Mark Powell, Director  
Technology Center 2600  
Communications